

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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JUAN CRISTO-MUNOZ, JR.,	:	
Petitioner,	:	
	:	
v.	:	No. 5:23-cv-2657
	:	
PATRICIA THOMPSON; THE	:	
ATTORNEY GENERAL FOR THE	:	
STATE OF PENNSYLVANIA; and THE	:	
DISTRICT ATTORNEY OF	:	
LANCASTER COUNTY,	:	
Respondents.	:	

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**ORDER**

AND NOW, this 3<sup>rd</sup> day of May, 2024, upon consideration of the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, ECF No. 1, the Response thereto, ECF No. 18, and the Report and Recommendation issued by Magistrate Judge Lynne A. Sitarski on March 5, 2024, ECF No. 19; and in the absence of objections,<sup>1</sup> **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, ECF No. 19, is **APPROVED and ADOPTED**.

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<sup>1</sup> When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under *de novo* or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at \*2 n.3 (E.D. Pa. Feb. 22, 1991); *see also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at \*16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts "are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation *de novo* under 28 U.S.C. § 636(b)"); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge's report and recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

2. The Petition for Writ of Habeas Corpus, ECF No. 1, is **DENIED and DISMISSED**.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge